

IN THE SUPREME COURT OF THE STATE OF ALASKA

KEVIN MEYER *et al.*,

Petitioners,

v.

ARCTIC VILLAGE COUNCIL *et al.*,

Respondents.

Case No. S-17902

Superior Court Case No. 3AN-20-07858 CI

Hon. Dani Crosby, Superior Court Judge

**OPPOSITION TO PETITIONERS' EMERGENCY MOTION FOR LEAVE TO
FILE A REPLY AND FOR ORAL ARGUMENT**

In past twenty-four hours, Petitioners submitted a slew of filings in this Court and in Alaska Superior Court, including a significantly over-length petition for review and at least six motions. Petitioners now ask for the opportunity to file a reply in support of tier Petition for Review without having even seen Respondents' opposition. Respondents agree that oral argument is appropriate in this case. However, Petitioners should not be allowed to file a reply.

Alaska Rule of Appellate Procedure 403(b)(2)(A) explicitly states, "No reply may be filed by the petitioner unless ordered by the appellate court." Now is not the time for the Court to make an exception. As Petitioners have repeatedly argued, this case is necessarily on an accelerated timeline. Slowing that timeline down to permit additional briefing is both unnecessary and detrimental to Respondents and Alaska voters broadly.

Petitioners assert that a reply is needed because they would not have an opportunity to more fully brief the Court later, but their reply would have that very same prejudicial effect on Respondents by allowing Petitioners another bite at the apple—one explicitly

prohibited by the Appellate Rules—while denying the same opportunity to Respondents. This is now the seventh filing submitted by Petitioners in less than twenty-four hours, including its Petition for Review which is eleven pages over the allowable page limit. That amount of briefing has surely provided Petitioners with sufficient space in which to advance their arguments.

Further, were the Court to permit Petitioners to file a reply on Friday, neither Respondents nor the Court would have sufficient time to review that document. Instead, Petitioners will be able to address Respondents' opposition at oral argument.

Therefore, Plaintiffs ask this Court to grant the motion for oral argument and to deny Petitioners' motion for leave to file a reply.

DATED this 7th day of October 2020.

/s/ Natalie A. Landreth
/s/ Matthew N. Newman
/s/ Wesley James Furlong

Natalie A. Landreth
(AK Bar No. 0405020)
Matthew N. Newman
(AK Bar No. 1305023)
Wesley James Furlong
(AK Bar No. 1611108)
NATIVE AMERICAN RIGHTS FUND
745 West 4th Avenue, Suite 502
Anchorage, AK 99501
Tel. (907) 276-0680
landreth@narf.org
mnewman@narf.org
wfurlong@narf.org

*Counsel for Respondent Arctic Village
Council*

Ezra D. Rosenberg*
Pooja Chaudhuri*
Natasha Chabria*

/s/ Stephen Koteff
/s/ Joshua A. Decker

Stephen Koteff
(AK Bar No. 9407070)
Joshua A. Decker
(AK Bar No. 1201001)
Aadika Singh*
ACLU OF ALASKA FOUNDATION
1057 West Fireweed Lane, Suite 207
Anchorage, AK 99503
Tel. (907) 263-2007
skoteff@asluak.org
jdecker@acluak.org
asingh@aclu.org

Dale E. Ho*
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, NY 10004
Tel. (212) 519-7866
dho@aclu.org

Counsel for Respondents League of

LAWYERS COMMITTEE FOR CIVIL
RIGHTS UNDER THE LAW

1500 K Street Northwest, Suite 900

Washington, DC 20005

Tel. (202) 662-8600

erosenberg@lawyerscommittee.com

pchaudhuri@lawyerscommittee.com

nchabria@lawyerscommittee.com

*Women Voters of Alaska, Elizabeth Jones,
and Barbara Clark*

Counsel for all Respondents

* *Pro Hac Vice* forthcoming